IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE AT NASHVILLE **OCTOBER 1998 SESSION November 4, 1998** Cecil W. Crowson Appellate Court Clerk **BENJAMIN PACHUCKI,** NO. 01C01-9802-CC-00058 Appellant, **WILLIAMSON COUNTY** VS. NO. 1197-406 STATE OF TENNESSEE, HON. CORNELIA A. CLARK, JUDGE Appellee. (Post-Conviction)

ORDER

AFFIRMED - RULE 20

Petitioner appeals the trial court's summary dismissal of his petition for postconviction relief based upon the statute of limitations. We affirm the judgment of the trial court pursuant to Rule 20, Tennessee Court of Criminal Appeals.

Petitioner pled guilty on September 25, 1981, to second degree burglary and received an indeterminate sentence of not less than three years nor more than five years. Petitioner pled guilty on November 2, 1992, to the offense of failure to appear and received a sentence of four years as a Range II multiple offender. No appeal was taken in either case.

The petition was filed in November 1997. The sole basis for relief is that the guilty pleas were involuntarily and unknowingly entered. The trial court dismissed the petition as to both convictions based upon the post-conviction statute of limitations. The trial court acted properly.

As to the 1981 second degree burglary conviction, the statute of limitations expired July 1, 1989. <u>Carter v. State</u>, 952 S.W.2d 417, 418 (Tenn. 1997). Petitioner asserted no grounds entitling him to relief under <u>Burford v. State</u>, 845 S.W.2d 204 (Tenn. 1992).

As to the November 1992 failure to appear conviction, the statute expired May 10, 1996. Carter, 952 S.W.2d at 420; Robert Duane Bitner v. State, C.C.A. No. 02C01-9705-CC-00177, Carroll County (Tenn. Crim. App. filed February 24, 1998, at Jackson). No grounds are asserted which would entitle petitioner to relief under Tenn. Code Ann. § 40-30-202(b).

The judgment of the trial court is affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals. It appearing that the petitioner is indigent, costs shall be taxed to the state. So ordered.

Enter:	
	JOE G. RILEY, JUDGE
CONCUR:	
PAUL G. SUMMERS, JUDGE	

JOSEPH M. TIPTON, JUDGE